

ASSEMBLY BILL

No. 263

Introduced by Assembly Member Miller

February 11, 2009

An act to add and repeal Section 130246 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 263, as introduced, Miller. Riverside County Transportation Commission.

Existing law authorizes the Riverside County Transportation Commission to impose tolls for 50 years on transportation facilities, as defined, on a portion of State Highway Route 91, subject to extension beyond that time if reauthorized by the Legislature, and authorizes toll revenues to be used for capital and operating expenses of the facilities, including debt service, and for related transportation purposes in the Route 91 corridor. Existing law authorizes the commission to issue bonds for the transportation project, as defined, within the Route 91 corridor.

This bill would, until January 1, 2020, authorize the Riverside County Transportation Commission to approve and award one best-value design build contract for transportation improvements on the State Highway Route 91 corridor based on criteria established by the commission, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Existing law authorizes the Riverside County Transportation
4 Commission to construct a new highway and transit facility on
5 State Highway Route 91 in Riverside County and to impose tolls
6 for the use of that new facility as the means to finance the
7 development, construction, and operation of capital improvements
8 on that corridor.

9 (b) Planned capital improvements for State Highway Route 91
10 total over \$1.4 billion, resulting in over 18,000 middle class,
11 prevailing-wage jobs, most of which will be union jobs in the
12 construction sector.

13 (c) In order to construct improvements to State Highway Route
14 91, it will be necessary for the commission to finance a majority
15 of the project with toll revenue bonds.

16 (d) In order to sell toll revenue bonds on the open market, it is
17 necessary for the commission to obtain certainty of the cost of the
18 improvements as well as certainty of the time it will take to
19 complete the improvements.

20 (e) In order for the commission to obtain cost and time certainty
21 to finance the improvements, it is necessary to procure a best-value
22 design-build contract.

23 (f) A best-value design-build contract will accelerate the
24 job-creation, congestion relief, and economic productivity benefits
25 associated with the improvements of the State Highway Route 91
26 corridor by three years, all while preserving environmental
27 protections and processes under the California Environmental
28 Quality Act (CEQA) and the National Environmental Policy Act
29 (NEPA).

30 (g) State Highway Route 91 improvements are part of the state
31 and federally approved regional transportation plan for the Southern
32 California Association of Governments region and are necessary
33 for the southern California region to achieve air quality conformity
34 pursuant to the Clean Air Act.

35 (h) The commission is a public agency governed by a board of
36 31 locally elected officials and an ex officio member representing
37 the Department of Transportation that is required to adhere to
38 statutory competitive bidding requirements for all contracts.

1 (i) The commission is the sole public agency that will have
2 financial resources at risk for toll revenue bond financing of State
3 Highway Route 91 improvements.

4 (j) Existing law requires the establishment of an advisory
5 committee comprised of representatives of the commission, the
6 Orange County Transportation Authority, San Bernardino
7 Associated Governments, and the Department of Transportation.

8 (k) Existing law requires the commission to conduct an annual
9 audit of the toll facility on State Highway Route 91 and to
10 undertake certain public participation measures.

11 SEC. 2. Section 130246 is added to the Public Utilities Code,
12 to read:

13 130246. (a) Notwithstanding Section 130232 or any other
14 provision of law concerning procurement of public works contracts,
15 including, but not limited to, Sections 1104 and 4109 of the Public
16 Contract Code, the Riverside County Transportation Commission
17 may approve and award one best-value design build contract for
18 improvements on the State Highway Route 91 corridor, as
19 described in Section 130244, based on criteria established by the
20 commission, which may include price and any other factors. The
21 procurement may include competitive negotiations. All contracts
22 negotiated pursuant to this section shall be approved at a public
23 meeting.

24 (b) This section shall remain in effect only until January 1, 2020,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2020, deletes or extends that date.